

### III. REMARKS

#### Status of the Claims

Claims 3 and 18 are amended. Claims 1-23 are presented for further consideration.

#### Summary of the Office Action

Claims 1-9 and 12-16, and 18-23 stand rejected under 35USC102(e) on the basis of the cited reference McCanne, U.S. Patent No. 6,901,445. Claims 10 and 11 stand rejected under 35USC103(a) based on the reference McCanne in view of Voit, et al, U.S. Patent No. 6,870,827. Claim 17 stands rejected under 35USC103(a) based on the cited reference McCanne. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks.

#### Discussion of the Cited Reference

The Examiner relies on the reference McCanne to support the rejection based on anticipation and as primary support for the rejection based on obviousness. The disclosure of McCanne is described at, column 3, lines 51-62, as follows:

**"The packet-switched network includes addressable routers for routing packet traffic, wherein a packet of data is routed from a source node to a destination node based on address fields of the packet. The improvement comprises a redirector coupled to at least one of the addressable routers and includes logic for accepting a service request from a client, logic for determining a selected server for handling the service request, the selected server being one of a plurality of servers that can handle the service request, and logic for generating a redirection message directed to the client for redirecting the service request to the selected server."**

Accordingly, the reference McCanne discloses an application of a virtual overlay broadcast network based in Internet protocol (IP). In this application specific coordinated service nodes are used to route content in the IP network and to function as a server to process application-specific content requests. It is mentioned that the system enables replication of a content delivery service throughout an IP network such

that a client receives the service from the most appropriate server, and that it is possible to redirect the client to another server node to serve the request.

However, McCanne fails to disclose the currently claimed combination of features, namely, the checking of the availability of the requested data transmission service and the reachability of a terminal (to which a connection is desired) in a local network and the transmission of the service request to a public mobile network in response to a lack of such availability or reachability in the local network.

The Examiner relies on Figure 3 with reference to related text in column 7, however this description, does not disclose any kind of checking for availability of service (e.g., checking the availability of the requested data transmission service) but merely relates to specifying a path between routers on the basis of router advertisements.

Further the reference McCanne fails to disclose "checking the reachability of the terminal in the local network...", since there is no teaching of a feature in which an inquiry is launched relating to target terminal reachability. McCanne only teaches that a core network router server (R1-R6 in figure 3) learns on the basis of router server advertisements.

Although McCanne et al generally discloses the capability of redirecting service requests, McCanne does not disclose transmission of service requests to a PLMN, such as a GSM/GPRS network, but describes anycast request handling by IP nodes in an IP network. Further, McCanne focuses on selecting an appropriate service node for serving a request for reception of anycast information from a service node in the network ( see column 19, lines 8-28).

The cited reference McCanne therefore does not support the rejection based on anticipation.

### **The Issue of Anticipation**

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the system of McCanne would infringe the claims of this application if it were later. All of the claims of this application are directed to a method, system or device that provides for, as described in claim 1:

**"checking availability of the requested data transmission service and reachability of the terminal in the local network in response to the mobile station being attached to the local network and data transmission being desired between the mobile station and the terminal, transmitting a service request from the mobile station to the public mobile network in response to the data transmission service not being providable substantially in accordance with the service request and/or the terminal not being reachable via the local network."**

Since this capability is not present in the system of the reference McCanne, there can be no infringement of the subject claims. Therefore the teaching of McCanne does not support the rejection based on anticipation with respect to any of the claims of this application.

### **The Issue of Obviousness**

The Examiner seeks to combine the teaching of McCanne with the teaching of Voit in order to support the rejection base on obviousness. It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

Applicant submits that the above described deficiencies of the primary reference McCanne are not remedied by the proposed combination with the teaching of the reference Voit. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Voit or McCanne, in order to obtain

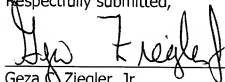
the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

The above arguments apply equally to the rejected dependent claims and in particular with regard to the rejection of claim 17 based solely on the reference McCanne.

For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.  
Reg. No. 44,004

29 September 2006

Date

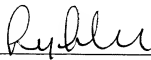
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Person Making Deposit